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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**IN RE:** § **CASE NO. 11-42042-dml-11**  
**FRE REAL ESTATE, INC.,** §  
**DEBTOR.** § **CHAPTER 11**

**MOTION FOR SETTING AND REQUEST FOR EXPEDITED HEARING ON  
DEBTOR'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL**  
[Relates to Docket No. 21]

TO THE HONORABLE D. MICHAEL LYNN, UNITED STATES BANKRUPTCY JUDGE:

1. FRE Real Estate, Inc. (the “Debtor”), debtor-in-possession, hereby requests that a hearing be set not later than April 14, 2011 on *Debtor’s Motion for Authority to Use Cash Collateral* (the “Motion”), [Docket No. 21]. Hearing by such date is necessary because the Debtor just filed its Chapter 11 case on April 4, 2011 and needs authority to use cash collateral to pay its operating expenses.

2. Notice of the proposed expedited hearing will be provided to the Debtor, the United States Trustee, and Highland Capital Management, L.P., and such notice will be sufficient because the Debtor served all of these parties with a copy of the Motion and of this

Motion for Expedited Hearing. A copy of the Motion was served upon the above-referenced parties by First Class U.S. Mail and this Court's ECF notification system on April 7, 2011.

3. A hearing was not requested earlier because the case was filed on April 4, 2011 and the Motion was filed on April 7, 2011. The Debtor could not request a hearing until after the case and the Motion were filed.

April 7, 2011.

Respectfully submitted,

**BARLOW GARSEK & SIMON, L.L.P.**

/s/ Robert A. Simon

By: \_\_\_\_\_

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on the 7th day of April, 2011, I conferred via telephone with Michael D. Warner, counsel for Highland Capital Management, L.P., regarding the Motion and the foregoing request for expedited hearing. He represented that he is not opposed to holding an expedited hearing on the Motion on April 14, 2011. He further represented that he will not be available to attend a hearing on April 11, 12, 13, 18, or 19, 2011.

/s/ Spencer D. Solomon

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Spencer D. Solomon

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of April, 2011, I served a true and correct copy of the foregoing to all parties receiving service via this Court's ECF notification system, and the parties listed below by e-mail and by First Class United States Mail in a properly addressed envelope, postage pre-paid.

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/s/ Robert A. Simon

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